

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

DYNAMIC MACHINE WORKS, INC.

Plaintiff,

vs.

Civil Action No. 04-10525-WGY

MACHINE & ELECTRICAL  
CONSULTANTS, INC.,

Defendant.

**MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Defendant Machine & Electrical Consultants, Inc. ("MECI") hereby moves for an enlargement of time until at least October 12, 2004 in which to respond to the motion for summary judgment of Dynamic Machine Works Inc. ("Dynamic"). Dynamic does not object to this motion.<sup>1</sup>

This action concerns claims and counterclaims about the purchase by Dynamic from MECI of a complex machine lathe, a Johnford HT-275G Heavy Duty Turning Center (the "Johnford Lathe"). Dynamic seeks to revoke its acceptance of the Johnford Lathe and recover damages, maintaining that MECI did not meet what Dynamic characterizes as "the Commissioning Deadline." (*See* Complaint, ¶¶ 3- 13). MECI alleges that Dynamic accepted the Johnford Lathe, and improperly revoked that

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<sup>1</sup> MECI maintains that Dynamic's motion for summary judgment is premature insofar as substantial discovery is in process and on August 5, 2004 this Court ordered the action referred to mediation in September 2004. In an effort to narrow potential procedural issues concerning the motion for summary judgment, MECI seeks the relief requested in this motion at this time, leaving other issues concerning Dynamic's motion to be raised with MECI's response to that motion.

acceptance and remains obligated to pay MECI for the Johnford Lathe, as agreed by the parties. (*See* Answer, ¶ 21; Counterclaim, ¶¶ 30 - 1-10).

On September 13, 2004 Dynamic filed a motion for summary judgment on its claims. Depositions of Dynamic employees, however, had been scheduled, and proceeded, only on September 20, 2004, and transcripts of those depositions have not yet been received. In addition, the parties are in the midst of other discovery and related fact and expert investigation that will be relevant to Dynamic's motion.

Accordingly, MECI respectfully requests that the time in which to respond to Dynamic's motion for summary judgment be enlarged until October 12, 2004.

Respectfully submitted,

MACHINE & ELECTRICAL  
CONSULTANTS, INC.

by its attorneys,

DATED: September 24, 2004.

/s/ Jeffrey D. Clements

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Jeffrey D. Clements, BBO #632544  
Clements & Clements LLP  
50 Federal Street  
Boston, MA 02110  
(617) 451-1802

Counsel:

Keith R. Jacques  
Smith Elliot Smith & Garmey, P.A.  
199 Main Street  
P.O. Box 1179  
Saco, ME 04072

**CERTIFICATE OF SERVICE**

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served electronically and by regular mail to counsel of record for the plaintiff on September 24, 2004.

/s/ Jeffrey D. Clements

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Jeffrey D. Clements

**LOCAL RULE 7.1(a)(2) CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7.1(a)(2), I, Jeffrey D. Clements, counsel to defendant Machine & Electrical Consultants, Inc. ("MECI"), certify that Keith R. Jacques, counsel for MECI spoke with Jack Little, plaintiff's counsel, on September 20, 2004, concerning this motion, and that plaintiff's counsel has no objection to this motion. In addition, I left a telephone message with plaintiff's counsel to confirm that fact on September 24, 2004.

/s/ Jeffrey D. Clements

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Jeffrey D. Clements